

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

ANTHONY LEON SUMMERS §
VS. § CIVIL ACTION NO. 1:21cv589
GREG ABBOTT §

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Anthony Leon Summers, proceeding *pro se*, filed the above-styled civil rights lawsuit. The Court previously referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this Court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that a motion for temporary restraining order filed by plaintiff be denied as moot.

The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Plaintiff filed objections to the Report and Recommendation.

The Court has conducted a *de novo* review of plaintiff's objections in relation to the pleadings and the applicable law. After careful consideration, the Court is of the opinion the objections are without merit. At the time plaintiff filed his motion, he was incarcerated at the Lewis Unit. He was subsequently transferred to the Jester III Unit. As the magistrate judge stated, plaintiff's transfer to a different prison unit rendered his request for injunctive relief based on conditions at his original prison unit moot. *Lodge v. Tigner*, 772 F. App'x 87, 87 (5th Cir. 2019) (citing *Herman v. Holiday*, 238 F.3d 660, 665 (5th Cir. 2001)). If plaintiff believes his constitutional rights are being violated at the Jester III Unit, he may file a separate lawsuit in the appropriate federal judicial district.

ORDER

Accordingly, plaintiff's objections [Dkt. 25] are OVERRULED. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the Magistrate Judge [Dkt. 21] is ADOPTED. The motion for temporary restraining order [Dkt. 6] is DENIED as moot.

SIGNED this 31st day of August, 2022.



Michael J. Truncale
United States District Judge